

SENATE BILL NO. 249

INTRODUCED BY K. TOOLE, ELLINGSON, HARRINGTON, LEE, WANZENRIED, WATERMAN,
JACOBSON, BOHLINGER, KAUFMAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF ADMINISTRATION TO
CONSIDER LOCATING STATE AGENCY OFFICE SPACE IN DOWNTOWN AREAS WHENEVER FEASIBLE
AND COST-EFFECTIVE; PROVIDING FOR A REPORT TO THE STATE ADMINISTRATION, PUBLIC
RETIREMENT SYSTEMS, AND VETERANS' AFFAIRS INTERIM COMMITTEE; AND AMENDING SECTION
2-17-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Short title.** [Sections 1 through 4] may be cited as the "Downtown
Protection Act".

NEW SECTION. **Section 2. Definition.** As used in 2-17-101 and [sections 1 through 4],
"downtown area" means the central business district of a city.

NEW SECTION. **Section 3. Downtown location of office space -- determining feasibility.** The
department of administration AND THE AGENCY IN NEED OF OFFICE SPACE shall consider the following factors
when determining the feasibility of locating state agency office space in a downtown area, as required in
2-17-101:

- (1) the requirements of the agency that will be using the office space;
- (2) the requirements and needs of the members of the public who may interact with the agency
in the office space;
- (3) the availability of suitable office and parking space in a downtown area;
- (4) (A) the costs associated with rehabilitating existing structures, modifying existing space to
accommodate the needs of the agency, and ensuring that the building conforms with any architectural
requirements or requirements associated with historic districts in a downtown area;

(B) IN THE CASE OF SPACE THAT WILL BE LEASED, COSTS ASSOCIATED WITH THE IMPROVEMENTS LISTED IN

1 SUBSECTION (4)(A) THAT WILL BE INCURRED BY THE BUILDING'S OWNER AND PASSED ON TO THE STATE THROUGH RENTAL
2 RATES;

3 (5) the safety of the employees and members of the public who may use the facility; and

4 (6) impacts on traffic flow and transportation in a downtown area.

5

6 ~~NEW SECTION. Section 4. Report to legislature.~~ Beginning in 2003 and continuing biennially, the
7 department of administration shall submit a report to the legislature, subject to the provisions of 5-11-210,
8 that includes but is not limited to the total number and type of office facilities that:

9 ~~—— (1) are currently owned, leased, or rented by state agencies, identifying those that are located in~~
10 ~~a downtown area; and~~

11 ~~—— (2) the department of administration has reviewed and approved for construction, rental, lease,~~
12 ~~or use by state agencies during the biennium and, of that total, the number and type of state agency office~~
13 ~~facilities that:~~

14 ~~—— (a) were located in downtown areas;~~

15 ~~—— (b) required restoration, rehabilitation, or major modification of existing structures in downtown~~
16 ~~areas; and~~

17 ~~—— (c) were not located in downtown areas and the reasons why the facilities were located~~
18 ~~elsewhere.—~~

19

20 ~~NEW SECTION. SECTION 4. REPORTING. THE DEPARTMENT SHALL ANNUALLY COMPILE AND PUBLISH A REPORT~~
21 ~~OF SPACE LEASED IN THE STATE. THE REPORT MUST INCLUDE A LISTING OF NEW LEASES FOR 10,000 SQUARE FEET OF~~
22 ~~SPACE OR MORE, THE LEASES THAT WERE LOCATED IN DOWNTOWN AREAS, AND THE LEASES THAT WERE NOT LOCATED~~
23 ~~IN DOWNTOWN AREAS, INCLUDING THE REASONS WHY THEY WERE LOCATED ELSEWHERE.~~

24

25 NEW SECTION. SECTION 4. REPORT ON SPACE LEASED BY STATE AGENCIES. (1) THE DEPARTMENT SHALL
26 BIENNIALLY COMPILE AND PUBLISH A REPORT, INCLUDING:

27 (A) A LISTING OF ANY NEW LEASES BY STATE AGENCIES FOR 10,000 SQUARE FEET OF SPACE OR MORE;

28 (B) WHICH OF THE NEW LEASES WERE LOCATED IN DOWNTOWN AREAS AND WHICH WERE NOT; AND

29 (C) FOR THE LEASES NOT LOCATED IN DOWNTOWN AREAS, THE REASONS WHY.

30 (2) THE DEPARTMENT SHALL BIENNIALLY PRESENT THE REPORT TO THE STATE ADMINISTRATION, PUBLIC

1 RETIREMENT SYSTEMS, AND VETERANS' AFFAIRS INTERIM COMMITTEE PROVIDED FOR IN 5-5-228.

2

3 **Section 5.** Section 2-17-101, MCA, is amended to read:

4 **"2-17-101. Allocation of space -- consideration of locating office facilities in downtown areas**

5 **required.** (1) The department of administration shall determine the space required by state agencies other
6 than the university system and shall allocate space in buildings owned or leased by the state, based on
7 each agency's need. To efficiently and effectively allocate space, the department periodically shall identify
8 the amount, location, and nature of space used by each agency.

9 (2) An agency requiring additional space shall notify the department. The department, in
10 consultation with the agency, shall:

11 (a) determine the amount and nature of the space needed and locate space within a building
12 owned or leased by the state to meet the agency's requirements;

13 (b) ~~if~~ if space is not available in a building owned or leased by the state, ~~the department shall~~
14 consider, in consultation with the agency, the factors provided in [section 3] to determine the feasibility
15 of leasing, renting, or purchasing property located in the downtown area, as defined in [section 2]; and

16 (c) locate space to be leased in an appropriate building or recommend alternatives to leasing, such
17 as remodeling or exchanging space with another agency, if the department and the agency determine that
18 locating the office space in a downtown area is not feasible.

19 (3) A state agency may not lease, rent, or purchase property for quarters without prior approval
20 of the department.

21 ~~(3)-(a)~~ (4) (a) The location of the chambers for the house of representatives must be determined
22 in the sole discretion of the house of representatives. The location of the chambers of the senate must be
23 determined in the sole discretion of the senate.

24 (b) Subject to 2-17-108, the department, with the advice of the legislative council, shall allocate
25 other space for the use of the legislature, including but not limited to space for committee rooms and
26 legislative offices.

27 ~~(4)~~ (5) (a) For state agencies located in a city other than Helena, the department shall consolidate
28 the offices of these agencies in a single, central location within the city whenever the consolidation would
29 result in a cost savings to the state while permitting sufficient space and facilities for the agencies.

30 (b) ~~The~~ Subject to subsection (5)(c), the department may purchase, lease, or acquire, by exchange

1 or otherwise, land and buildings in the city to achieve consolidation.

2 (c) In determining the location of new state agency offices in a city other than Helena and in
3 achieving the consolidation required in this subsection (5), the department shall consider, in consultation
4 with the agency, the factors provided in [section 3] to determine the feasibility of leasing, renting, or
5 purchasing property located in the city downtown area, as defined in [section 2].

6 (6) Offices of the law enforcement services division and motor vehicle division of the department
7 of justice, THE DEPARTMENT OF TRANSPORTATION, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS, AND THE
8 DEPARTMENT OF CORRECTIONS are exempted from consolidation.

9 (7) If the department and a state agency plan to construct a new building for agency office use,
10 the department and the agency shall consider, subject to the factors provided in [section 3]:

11 (a) the rehabilitation, reuse, or both of existing structures in a downtown area, as defined in
12 [section 2]; and

13 (b) new construction on available land in a downtown area."

14

15 NEW SECTION. Section 6. Codification instruction. [Sections 1 through 4] are intended to be
16 codified as an integral part of Title 2, chapter 17, part 1, and the provisions of Title 2, chapter 17, part
17 1, apply to [sections 1 through 4].

18 - END -